

2005 No. 1639

PENSIONS

**The Personal Injuries (Civilians) (Amendment) (No.2) Scheme
2005**

<i>Made</i> - - - -	<i>16th June 2005</i>
<i>Laid before Parliament</i>	<i>23rd June 2005</i>
<i>Coming into force</i> - -	<i>15th July 2005</i>

The Secretary of State for Defence, with the approval of the Treasury, in exercise of the powers conferred by sections 1 and 2 of the Personal Injuries (Emergency Provisions) Act 1939(a) and now vested in him(b), and of all other powers enabling him in that behalf, hereby makes the following Scheme:

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Personal Injuries (Civilians) (Amendment) (No.2) Scheme 2005 and shall come into force on the 15th July 2005.

(2) In this Scheme, “the principal Scheme” means the Personal Injuries (Civilians) Scheme 1983(c).

Amendment to the principal Scheme and application

2. The amendment to the principal Scheme contained in the Schedule to this Scheme shall have effect as if it had come into force on the 6th April 2005.

(a) 1939 (c.82).

(b) The functions of the Minister of Pensions were transferred to the Minister of Pensions and National Insurance by virtue of the Transfer of Functions (Ministry of Pensions) Order 1953, S.I.1953/1198, article 2. The functions of the Minister of Pensions and National Insurance were transferred to the Minister of Social Security by virtue of the Ministry of Social Security Act 1966, (c.20), section 2. The functions of the Minister of Social Security were transferred to the Secretary of State for Social Services by virtue of the Secretary of State for Social Services Order 1968, S.I.1968/1699, article 2. The functions of the Secretary of State for Social Services were transferred to the Secretary of State for Social Security by virtue of the Transfer of Functions (Health & Social Security) Order 1988 S.I. 1988/1843, article 3. The functions of the Secretary of State for Social Security were transferred to the Secretary of State by virtue of the Transfer of Functions (War Pensions etc.) Order 2001, S.I. 2001/3506.

(c) S.I. 1983/686; amending instruments are S.I.1983/1164, 1540, 1984/1289, 1675, 1985/1313, 1986/628, 1987/191, 1988/367, 2260, 1989/415, 1990/535, 1300, 1991/708, 1992/702, 3226, 1993/480, 1994/715, 2021, 1995/445, 1996/502, 1997/812, 1998/278, 1999/262, 2000/301, 2001/420, 2002/672, 2003/637, 2004/717 and 2005/655.

Signed by authority of the Secretary of State for Defence

15th June 2005

Don Touhig
Parliamentary Under-Secretary of State
Ministry of Defence

We approve

16th June 2005

Vernon Coaker
Tom Watson
Two of the Lord's Commissioners of Her Majesty's Treasury

SCHEDULE

Article 2

Amendment of Schedule 4 to the principal Scheme

1. For Schedule 4 to the principal Scheme (rates of pensions and allowances payable in respect of death) there shall be substituted the following schedule:

“SCHEDULE 4

Article 27

Table

RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

<i>Description of Pension or Allowance</i>	<i>Rate</i>
1. Pension to widows and widowers—	
(a) under article 27(1)	£99.50 per week
(b) under article 27(2)	£23.85 per week
(c) under article 27(3)	£64.68 per week from 6th April 2005 and £66.62 per week from 11th April 2005
2. Rent allowance under article 28	£37.55 per week*
3. Allowance under article 29 or 50 to an elderly surviving spouse—	
(a) if age 65 but under age 70	£11.40 per week
(b) if age 70 but under age 80	£21.80 per week
(c) if age 80 or over	£32.35 per week
4. Pension under article 30 to unmarried dependant who lived as spouse	£1.00 per week*
5. Allowance under article 33 in respect of each child under the age of 15—	
(a) in respect of the only, elder or eldest child	£15.65 per week
(b) in respect of each other child	£17.50 per week

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£17.50 per week
6. Pension under article 34(1) where the decision is made before 9 th April 2001, to a motherless or fatherless child under the age of 15 and, where the decision is made on or after that date, under article 34(2) to a child under the age of 15 with no parents living—	
(a) in respect of the only, elder or eldest child	£17.80 per week
(b) in respect of each other child	£19.55 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£19.55 per week
7. Pension or allowance where the decision is made before 9th April 2001, under article 35(3) and, where the decision is made on or after that date, under article 35(2) to or in respect of a child aged 15 or over—	
(a) where the child has attained the age of 18 and is incapable of self-support by reason of an infirmity which arose before he attained the age of 15	£76.45 per week*
(b) any other case—	
(i) in respect of the only, elder or eldest child	£17.80 per week*
(ii) in respect of each other child	£19.55 per week*
(iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992, or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£19.55 per week*
8. Education allowance under article 36	£120 per annum*
9. Pensions to parents—	
(a) minimum rate under article 38(4)	£0.25 per week
(b) maximum rate under article 38(4)	
(i) where there is only one eligible parent	£1.00 per week
(ii) where there is more than one eligible parent	£1.38 per week
(c) increase under the proviso to article 38(4)—	
(i) where there is only one eligible parent	£0.38 per week*
(ii) where there is more than one eligible parent	£0.62 per week*
10. Pensions to other dependants—	
(a) for each juvenile dependant under article 39(4)	£0.30 per week*
(b) aggregate rate under article 39(4)	£1.00 per week*
(c) under article 39(5)	£1.00 per week*

* maximum”

EXPLANATORY NOTE

(This note is not part of the Order)

This Scheme further amends the Personal Injuries (Civilians) Scheme 1983 (“the principal Scheme”) which makes provision for the payment of pensions and allowances to or in respect of civilians who were killed or injured during the 1939-45 World War by increasing the amount of allowance paid under Article 27(3) of the principal Scheme to £64.68 per week from 6th April 2005 and £66.62 per week from 11th April 2005.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

£3.00

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